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Air Pollution Regulations in State Implementation Plans California, Butte County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California

Butte County

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Air Pollution Regulations in State Implementation Plans:

California
Butte County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-2

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

BUTTE COUNTY

Submittal Date	Approval Date	Description
6/30/72	9/22/72	All regulations unless otherwise stated.
7/25/73	8/22/77	Sec. 1-1 thru 1-35, 2-8, 2-10 thru 2-11, 2A-1 thru 2A-18, 3-2 thru 3-2.1, 3-6, 3-9, 3-10.1, 3-11.1, 3-14, 3-16
1/10/75	8/22/77	Sec. 3-11, 3-12, 3-12.1
2/10/76	5/11/77	3-11.2

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STATE AIR POLLUTION REGULATIONS

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RULES AND REGULATIONS OF THE BUTTE
COUNTY AIR POLLUTION CONTROL DISTRICT

The Air Pollution Control Board of the Butte County Air Pollution Control District does enact as follows:

The following rules and regulations shall be known as the rules and regulations of the Butte County Air Pollution Control District;

CHAPTER 1

(1.0) DEFINITIONS:

Section 1-1 Garbage.

Every accumulation of animal, vegetable and other decomposable matter that attends or results from the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, birds, fruits, vegetables or other food products and food containers soiled with food stuff, and shall include dead animals, fowl, birds, fish and any offal.

Section 1-2 Combustible or Flammable Solid Waste.

Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of dead animal or any other combustible or flammable refuse matter which is in solid form.

Section 1-3 Flue.

Any duct or passage for air, gas or the like, such as a stack or chimney.

Section 1-4 Person.

Any person, firm, corporation, association or public agency, including, but not limited to, any city, county, district or the state.

Section 1-5 Open Outdoor Fire.

Any combustion of solid waste outdoors, in the open, not in any inclosure, where the products of combustion are not directed through a flue.

Section 1-6 Solid Waste Dump.

Any accumulation for the purpose of disposal of any solid waste.

Section 1-7 Orchard or Citrus Grove Heater.

Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

Section 1-8 Agricultural Burning.

Open outdoor fires used in agricultural operations, or in improvement of the land for wildlife and game habitat, for the purpose of the burning of agricultural waste.

Section 1-9 Agricultural Operations.

The growing and harvesting of crops or raising of fowl, animals or bees, forest management or range improvement, for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution.

Section 1-9.1 Forest Management.

Includes timber operations, silvicultural practices and forest protection practices.

Section 1-9.2 Timber Operations.

Cutting or removal of timber or other forest vegetation.

Section 1-9.3 Silvicultural.

The establishment, development, care and reproduction of stands of timber.

Section 1-10 Agricultural Waste.

Unwanted or unsaleable materials produced wholly from agricultural operations. Agricultural waste includes the following: grass and weeds growing in or on fence rows, ditches and ditch banks and in or adjacent to fields in cultivation or being prepared for cultivation; vegetation removed for range improvement, for a wildlife, game or livestock habitat or for the initial establishment of an agricultural operation on previously uncultivated land; and forest debris. Agricultural waste does not include the following: items such as shop waste, demolition debris, garbage, oil filters, crankcase oil or other petroleum wastes, tires, plastics, pesticide containers, broken boxes, pallets, and other similar materials; orchard waste removed for land use conversion to non-agricultural purposes; and agricultural waste removed from the property where it was grown.

Section 1-11 Major Agricultural Crop.

Any single kind of agricultural crop growing on more than 1,001 acres in the District. For purposes of this definition, vegetation grown on land used for wildlife and game habitat, forest land and range land shall not be considered to be crops.

Section 1-12 Minor Agricultural Crop.

Any single kind of agricultural crop growing on less than 1,001 acres in the Butte County Air Pollution Control District.

Section 1-13 No Burn Day.

Any day on which the State Air Resources Board prohibits agricultural burning.

Section 1-14 Burn Day.

Any day on which the State Air Resources Board does not prohibit agricultural burning.

Section 1-15 Approved Ignition Devices.

Those instruments or materials that will ignite agricultural waste without the production of black smoke, including instruments or materials such as liquid petroleum gas, butane or propane, diesel oil burners, flares and other devices approved by the Control Office, but not including such items as tires, tar paper and oil.

Section 1-16 District.

The Butte County Air Pollution Control District.

Section 1-17 Board.

The Air Pollution Control Board of the Butte County Air Pollution Control District.

Section 1-18 Control Officer.

The Air Pollution Control Officer of the Butte County Air Pollution Control District.

Section 1-19 Particulate Matter.

Discrete atmospheric particles of liquid, other than uncombined water, or solids, as distinguished from a gas or vapor.

Section 1-20 Process Weight Per Hour.

The total weight, including contained moisture, of all materials introduced into any specific process which may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

Section 1-21 Dust.

Minute solid particles released into the air by natural forces or by mechanical processes, including but not limited to such processes as crushing, grinding milling, drilling, demolishing, shoveling, conveying, covering, bagging or sweeping.

Section 1-22 Condensed Fumes.

Particulate matter generated by the condensation of vapors evolved after volitization from the molten or liquid state, or generated by sublimation, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

Section 1-23 Air Contaminant.

The term "air contaminant" includes, but is not limited to smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

Section 1-24 Multiple-Chamber Incinerator.

Any article, machine, equipment contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone Equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

Section 1-25 Pressure Tank.

A tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

Section 1-26 Vapor Recovery System.

A vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere, with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

Section 1-27 Floating Roof.

Consists of a pontoon-type or double-deck-type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this section shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

Section 1-28 Gasoline.

Any petroleum distillate having a Reid vapor pressure of four (4) pounds or greater.

Section 1-29 Submerged Fill Pipe.

Any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches (6") above the bottom of the tank. "Submerged fill pipe", when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is eighteen inches (18") above the bottom of the tank.

Section 1-30 Combustion Contaminant.

Any particulate matter discharged into the atmosphere from the burning of any material which contains carbon in either the free or the combined state.

Section 1-31 Atmosphere.

The air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment such emission into the building shall be considered an emission into the atmosphere.

Section 1-32 Standard Conditions.

As used in these Rules and Regulations, "standard conditions" refer to a gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.

Section 1-33 LPG.

Liquid petroleum gas.

Section 1-34 PPM.

Parts per million by volume expressed on a dry gas basis.

Section 1-35 Total Reduced Sulfur (TRS).

Total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid are not to be included in the determination of TRS.

CHAPTER 2

(2.0) PROHIBITIONS:

Section 2-1

No person shall discharge from any non-vehicular source such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

Section 2-2

No person shall discharge into the atmosphere from any single non-vehicular source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is :

a. As dark or darker in shade as that designated as No. 2 on the Ringleman Chart as published by the U.S. Bureau of Mines, or

b. Of such opacity as to obscure an observers view to a degree equal to or greater than does smoke described in subsection "a" of this section.

Section 2-3

Where the presence of uncombined water is the only reason for failure of an emission to meet the limitations of Section 2-2, that section shall not apply.

(50.6) Section 2-4 Dust and Fumes.

No person shall discharge in any one hour from any source whatsoever dust or fumes in total quantities in excess of the amounts shown in the table set out below and titled "Allowable Rate of Emission Based on Process Weight Rate." To use the said table, the following steps should be followed: take the process weight per hour as defined in Section 1-20, then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. Interpolation of the data in the table for process weights up to 60,000 pounds/hour shall be accomplished by use of the equation $E=4.10\ P^{0.67}$ and interpolation and extrapolation of the data for process rates in excess of 60,000 pounds/hour shall be accomplished by use of the equation $E=55.0\ P^{0.11-40}$. For purposes of these equations, E=the rate of emission in pounds/hour and P= the process weight rate in tons/hour.

ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb./Hr.	Tons/Hr.	Lb./Hr.	Lb./Hr.	Tons/Hr.	Lb./Hr.
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.06	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500	69.0
9,000	4.50	11.2	2,000,000	1,000	77.6
10,000	5.00	12.0	6,000,000	3,000	92.7
12,000	6.00	13.6			

(50.1) Section 2-5 Particulate Matter Concentration.

No person shall discharge into the atmosphere from any source particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditions.

When the source involves a combustion process, the concentration must be calculated to 12 percent carbon dioxide (CO_2). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation of 12 percent of carbon dioxide (CO_2).

The provisions of this section shall not apply to processes in lawful operation on the effective date of these regulations; provided, however, that said processes shall comply with this section on and after December 31, 1972.

Section 2-6

The provisions of Sections 2-1, 2-2, 2-5 and 2-8 shall not apply to smoke from fires:

a. Set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

    1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

    2. For the instruction of public employees in the methods of fire fighting, or

    3. For the improvement of watershed range or pasture, or

    4. For the growing of crops or raising of fowls or animals, or

    5. For the purpose of disease and pest control and prevention.

b. Set pursuant to permit on property used for industrial purposes for the purposes of instruction of employees in methods of fire fighting.

c. Set pursuant to 4426 of the Public Resources Code as back fires necessary to save life or valuable property.

Section 2-7

The provisions of Section 2-1, 2-2, and 2-5 shall not apply to;

a. Agricultural operations and associated odors necessary for the growing of crops or raising of fowls or animals.

b. Use of any aircraft to distribute seed, fertilizer, insecticides or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals.

(51.9) Section 2-8 Certain Outdoor Fires Prohibited.

No person shall, after December 31, 1971, set or use or permit the setting or use of open outdoor fires for the purpose of disposal of petroleum wastes, demolition debris, tires, tar, trees, wood waste or other combustible or flammable solid or liquid waste or for metal salvage or burning of automobile bodies. For purposes of this section, a person shall be deemed to have permitted the setting or use of such fires if he permits the setting or use of such fires for the disposal of such wastes under his control, on land under his control or by employees or other persons under his control.

Section 2-8.1

It is unlawful to burn rubbish or garbage at dumps, refuse disposal areas or at any solid waste dump, whether public or private, or to burn garbage anywhere else in the County of Butte, except under a variance.

Section 2-8.2

The air pollution control board shall permit a city, city and county, or county to use open outdoor fires, for a limited time only, in its operation of a solid waste dump, upon the finding that because of sparse population in the geographical area and economic and technical difficulties, the solid waste dump should be so operated.

Section 2-9

Nothing in these regulations shall be construed as prohibiting agricultural burning authorized pursuant to Chapter 3 of these regulations.

(51.9) Section 2-10 Single and Two-Family Dwelling Exemption.

Nothing in these regulations shall be construed as prohibiting burning for the disposal of combustible or flammable solid waste of a single or two family dwelling on its premises; provided, however, that no burning of garbage, demolition debris, petroleum waste, tires, tar, plastics, cloth or other similar smoke producing materials on said premises shall be permitted.

(51.9) Section 2-11 Right of Way, Levee, Reservoir, and Ditch Clearing Exemption.

Nothing in these regulations shall be construed to prohibit burning by a public entity or utility for right-of-way clearing or other property access, or for levee, reservoir, ditch or drainage maintenance. No material may be burned pursuant to this section unless the burning is done on a burn day and the material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke. Such material shall be cut, uprooted or treated, and allowed to dry, in the same manner as specified in Sections 2A-11 or 2A-16 of these Rules and Regulations; provided, however, that material growing in or on ditches, ditch banks and drainage areas may be burned in place without being cut, uprooted or treated.

(51.16) Section 2-12 Storage of Petroleum Products.

a. Any person who, after December 31, 1970, loads or permits the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is a pressure tank or is equipped with a vapor recovery system or with a floating roof, or unless such tank is equipped with other apparatus of equal efficiency which has been approved by the Air Pollution Control Officer, is guilty of a misdemeanor.

b. Any person who installs any gasoline tank with a capacity of 250 gallons or more which does not meet the requirements of subdivision (a) is guilty of a misdemeanor.

c. Subdivisions (a) and (b) shall not apply to any stationary tank installed prior to December 31, 1970.

d. Subdivisions (a) and (b) shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (commencing with 36000 of the Vehicle Code).

(50.2) Section 2-13 Reduced Sulfur Emission Standards.

a. It shall be unlawful for any person to cause or permit the emission of air contaminants from any premises which will result in ground-level concentrations of TRS, expressed as hydrogen sulfide, in excess of 0.03 PPM for a period of 60 minutes.

b. By July 1, 1975, the emission of TRS from Kraft pulp mill recovery boilers shall not exceed 17.5 parts per million by volume, calculated as hydrogen sulfide.

c. By July, 1, 1975, the emission of TRS from any other single source, excluding Kraft pulp mill recovery boilers, shall not exceed 0.5 pounds per ton of pulp produced, calculated as elemental sulfur.

(50.2) Section 2-14 Sulfur Oxides Emission Standard.

No person shall discharge into the atmosphere from any single source of emission whatsoever any sulfur oxides in excess of 0.2 percent by volume (2000 PPM) collectively calculated as sulfur dioxide (SO_2).

(2.0) Section 2-15 Circumvention.

No person shall build, erect, install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of 24243 of the Health and Safety Code of the State of California or Section 2-1 of these Rules and Regulations.

(2.0) Section 2-16 Separation of Emissions.

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant limited by these Rules and Regulations shall not exceed the quantity which would be the allowable emission through a single emission point, and the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes, to the satisfaction of the Air Pollution Control Officer, the correct total emitted quantity.

(2.0) Section 2-17 Combination of Emissions.

a. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Air Pollution Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, then all of the applicable prohibitions contained in these Rules and Regulations shall apply to each such source operation separately.

b. If air contaminants from two or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the provisions of part (a) of this section, then all of the applicable prohibitions contained in these Rules and Regulations shall be applied to the combined emission as if it originated in a single source operation.

CHAPTER 2 A

(51.20) WOOD WASTE BURNING:

(51.20) Section 2 A-1 Outdoor Burning of Certain Wood Waste.

Wood waste from trees, vines, or bushes on property being developed for commercial or residential purposes, may be disposed of by open outdoor fires on the property where it was grown, pursuant to the provisions of Section 39297.6 of the Health and Safety Code and in compliance with the conditions of this Chapter.

(2.0) Section 2 A-2 Finding by County Health Officer.

Before open burning of such wood waste may be allowed, there must be a finding by the Butte County Health Officer that it is more beneficial, in terms of the general public health of the persons within the District, to burn such wood waste on location, than to dispose of it by other means.

(3.0) Section 2 A-3 Permit Required.

No person shall knowingly ignite or burn wood waste, or permit the ignition or burning of wood waste under his control, on land under his control or by employees or other persons under his control, pursuant to this Chapter, unless he has a valid wood waste burning permit issued in accordance with and subject to the provisions of this Chapter by the Control Officer.

(3.0) Section 2 A-4 Information Furnished by Permit Applicant.

Each applicant for a permit for wood waste burning pursuant to this Chapter shall provide such information as is required by the designated fire protection agency for fire protection purposes and such additional information as may be required by the Control Officer.

(51.20) Section 2 A-5 Notice of Intent to Ignite.

Prior to ignition or burning of any wood waste pursuant to permit issued in accordance with this Chapter, the permittee shall give notice of intent to ignite or burn to the fire control agency having jurisdiction over the site of the proposed burn.

(51.20) Section 2 A-6 Prohibition of Wood Waste Burning on No-Burn Days.

No wood waste burning permit issued pursuant to this Chapter shall be valid on a no-burn day and no person shall knowingly ignite or burn wood waste, or permit the ignition or burning of wood waste under his control, on land under his control or by employees or other persons under his control, on a no-burn day.

(51.20) Section 2 A-7 Prohibition of Wood Waste Burning by Fire Control Agency.

No wood waste burning permit issued pursuant to this Chapter shall be valid for any day on which burning is prohibited, for the purpose of fire control or prevention, by the public fire control agency having jurisdicition over the site of the burn.

(2.0) Section 2 A-8 Freedom From Contamination and Moisture.

All wood wastes to be burned shall be free of tires, rubbish, tar, paper, construction debris, garbage, plastics and all other combustible or flammable solid waste not grown on the property, and shall be reasonably free of dirt, soil, and visible surface moisture.

(51.20) Section 2 A-9 Arrangement and Amount of Wood Waste.

Wood waste shall be arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke. Only that amount of wood waste that can reasonably be expected to completely burn within the twenty-four (24) hour period following ignition shall be ignited on any one (1) day; provided however, that trees, stumps and branches greater than six (6) inches in diameter may be ignited even though they cannot reasonably be expected to completely burn within such period.

(51.20) Section 2 A-10 Ignition Devices.

All wood wastes to be burned shall be ignited only with approved types of ignition devices as defined in Section 1-15 of Chapter 1.

(51.20) Section 2 A-11 Ignition Prohibited Due to Wind Direction.

Wood waste shall not be ignited when the wind direction is such that smoke from the burning of such waste would be blown or carried into a nearby populated area and could create a public nuisance.

(51.20) Section 2 A-12 Drying Periods Required.

To lower the moisture content of wood waste, the elapsed time between cutting or uprooting and ignition or burning shall be:

1. A minimum of fifteen (15) days for vines or bushes.

2. A minimum of thirty (30) days for trees, stumps, and branches greater than six (6) inches in diameter.

(51.20) Section 2 A-13 Ignition Hours.

Each permit for wood waste burning shall specify the hours for ignition of fires and burning as indicated in the regulations of the fire control agency having jurisdiction over the site of the burn, and no person shall knowingly ignite or burn wood waste, or permit the ignition or burning of any wood waste under his control, on land under his control or by employees or other persons under his control, except during the hours so specified.

(51.20) Section 2 A-14 Restriction of Wood Waste Burning on Burn Days.

The Control Officer may restrict wood waste burning on burn days if such burning would cause or contribute to extreme adverse air quality condtions.

(51.20) Section 2 A-15 Fire Prevention.

Nothing in these rules is intended to permit open burning of wood wastes on days when such open burning is prohibited or in a manner which is prohibited by public fire protection agencies for purposes of fire control or prevention.

(51.20) Section 2 A-16 Restriction on Total Amount of Wood Waste Burning.

The maximum amount of wood waste which may be burned on any one day is the wood waste grown upon not more than two hundred and fifty (250) total acres of land in the District. Provided, however, that the Control Officer may authorize burning in excess of this amount if a public health hazard would be caused unless such additional burning were permitted.

(51.20) Section 2 A-17 Burning of Vines or Bushes Treated with Herbicides.

Notwithstanding the provisions of Section 2 A-12, vines or bushes may be burned in place without being cut or uprooted if they are treated and desicated with herbicides and allowed to dry at least six (6) months prior to ignition or burning. Provided, however, that if the applicant for a wood waste burning permit demonstrates to the satisfaction of the Control Officer that burning of vines or bushes treated with herbicides could be accomplished prior to the expiration of such six (6) month period in a manner which would produce no more smoke than would be produced by the burning of the same type of vines or bushes which had been cut or uprooted and dried for fifteen (15) days, such burning may be allowed by the Control Officer prior to the expiration of the six (6) month period.

(2.0) Section 2 A-18 Certain Prohibitions Not Applicable.

The provisions of Sections 2-2, 2-4, 2-5 and 2-8 shall not apply to wood waste burning pursuant to this chapter.

CHAPTER 3

(51.1) ORCHARD HEATERS AND AGRICULTURAL BURNING:
(51.13)

(51.1) Section 3-1 Orchard Heaters.

No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage after January 1, 1971, unless it has been approved by the State Air Resources Board. No person shall use any orchard or citrus heater after January 1, 1975, unless it has been approved by the State Air Resources Board or does not produce more than one gram/minute of unconsumed solid carbonaceous material.

(3.0) Section 3-2 Permit Required.

No person shall knowingly ignite or burn agricultural waste or permit the ignition or burning of agricultural waste under his control, on land under his control or by his employees or other persons under his control, unless he has a valid agricultural burning permit issued in accordance with and subject to the Rules and Regulations of the District by the Control Officer or a designated fire control agency in the area where the agricultural burn will take place.

(3.0) Section 3-2.1 Certificate From Department of Fish and Game.

No agricultural burning shall be conducted for the improvement of land for wildlife or game habitat until the person desiring to conduct such burning obtains from the Department of Fish and Game a written statement certifying that the burning is desirable and proper for the improvement of land for wildlife or game habitat and such statement is filed with the Control Officer.

(3.0) Section 3-3 Burning Permit Agencies.
(51.13)

The following fire protection agencies are hereby designated to issue permits for agricultural burning within the District: City Fire Departments, California Division of Forestry, Butte County Fire Department, Fire Protection Districts, and/or other equivalent agencies.

(3.0) Section 3-4 Information Furnished by Permit Applicant.

Each applicant for a permit for agricultural burning shall provide such information as is required by the designated fire protection agency for fire protection purposes and such additional information as may be required by the Control Officer.

(51.13) Section 3-5 Notice of Intent to Ignite.

Prior to ignition of any agricultural burning pursuant to a permit issued in accordance with these rules, the permittee shall give notice of intent to ignite to the fire control agency having jurisdiction over the site of the proposed burn.

(51.13) Section 3-6 Prohibition of Agricultural Burning on No-Burn Days.

No agricultural burning permit shall be valid on a no-burn day and no person shall knowingly set or permit agricultural burning on a no-burn day. For the purpose of this section, a person shall be deemed to have permitted agricultural burning if he permits the setting or use of such fires for the disposal of agricultural waste under his control, on land under his control or by employees or other persons under his control.

(51.13) Section 3-7 Prohibition of Agricultural Burning by Fire Control Agency

No permit shall be valid for any day on which burning is prohibited, for the purposes of fire control or prevention, by the designated fire control agency having jurisdiction over the site of the burn.

(2.0) Section 3-8 Freedom From Contamination and Moisture.

All agricultural wastes to be burned shall be free of tires, rubbish, tar paper, construction debris, used pesticide containers, and all other non-agricultural wastes, and shall be reasonably free of dirt, soil, and visible surface moisture.

(51.13) Section 3-9 Arrangement and Amount of Agricultural Waste.

Agricultural waste shall be arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke. Only the amount of agricultural waste that can reasonably be expected to completly burn within the twenty-four (24) hour period following ignition shall be ignited on any one (1) day; provided, however, that trees, stumps and branches greater than six (6) inches in diameter may be ignited even though they cannot reasonably be expected to completely burn within such period.

(51.13) Section 3-10 Ignition.

All agricultural wastes to be burned shall be ignited only with approved types of ignition devices as defined in Section 1-15 of Chapter 1.

(51.13) Section 3-10.1 Ignition Prohibited Due to Wind Direction.

Agricultural waste from forest management or range improvement or improvement of the land for wildlife and game habitat shall not be ignited when the wind direction is such that smoke from the burning of such waste would be blown or carried into a nearby populated area and could create a public nuisance.

(51.13) Section 3-11 Drying Period Required.

Except as provided for in Section 3-11.2 of these Rules and Regulations, to lower the moisture content of agricultural waste, the elapsed time between cutting, felling or uprooting and ignition or burning shall be:

1. A minimum of thirty (30) days for trees, stumps, and branches greater than six (6) inches in diameter.

2. A minimum of fifteen (15) days for vines or bushes.

(51.13) Section 3-11.1 Burning of Vines or Bushes Treated with Herbicides.

Notwithstanding the provisions of Section 3-11, vines or bushes may be burned in place without being cut or uprooted if they are treated and desicated with herbicides and allowed to dry at least six (6) months prior to ignition or burning. Provided, however, that if the applicant for an agricultural burning permit demonstrates to the satisfaction of the Control Officer that burning of vines or bushes treated with herbicides could be accomplished prior to the expiration of such six (6) month period in a manner which would produce no more smoke than would be produced by the burning of the same type of vines or bushes which had been cut or uprooted and dried for fifteen (15) days, such burning may be allowed by the Control Officer prior to the expiration of the six (6) month period.

(51.13) Section 3-11.2 Rice Straw Burning.

The following shall apply to all rice straw and stubble burning:

1. All rice harvesters shall employ a mechanical straw spreader to insure even distribution of the straw, with the exception that rice straw may be left in rows providing that it meets the drying time criteria prior to a burn as described in this section.

Rice stubble is to be ignited only by strip firing into the wind or by backfiring except where and when extreme fire hazards are declared to exist.

2. The drying time after harvest shall be not less than three days and no row rice straw shall be burned prior to a ten-day drying time, except that if the rice straw or stubble makes an audible crackle when tested just prior to burning with the testing method described in this section. After a rain exceeding 15/100 of an inch rice straw or stubble shall not be burned unless the straw makes an audible crackle when tested just prior to burning with the testing method described in this section.

3. When checking the field for moisture the grower shall test a composite sample of straw from under the mat, in the center of the mat and from the different areas of the field to insure a representative sample. A handful of straw from each area will give a good indication.

4. During the critical period from October 1 through November 15 of each year, the acreage of agricultural burning shall be reduced to 50% of the allotment which is permitted during other times of the year.

(51.13) Section 3-12 Ignition Hours.

Except as provided for in Section 3-12.1 herein permits shall specify the hours from 7:45 a.m. to one (1) hour before sunset for ignition of fires, and no person shall knowingly ignite agricultural waste, or permit the ignition of agricultural waste under his control, on land under his control or by employees or other persons under his contol, except during these hours.

(51.13) Section 3-12.1 Burning Hours For Rice Straw.

No ignition of rice straw or stubble burning shall commence before 10:00 a.m. nor after 5:00 p.m. in any day.

(51.13) Section 3-13 Restriction of Agricultural Burning on Burn Days.

The Control Officer may restrict agricultural waste burning on burn days if such burning would cause or contribute to extreme adverse air quality conditions.

(2.0) Section 3-14 Exceptions.

Agricultural burning is exempt from the provisions of Chapter 3 if:

1. The burning is done at 6,000 feet or more above mean sea level.

2. The burning is performed with LPG or natural gas-fired burners designed and used to kill seedling grass and weeds in orchards and field crops and the growth is such that combustion will not continue without the burner.

(3.0) Section 3-15 Special Permit.

Notwithstanding any other provision in this Chapter, the Control Officer may, by special permit, authorize agricultural burning on days designated by the State Air Resources Board as no-burn days when denial of such permit would threaten imminent and substantial economic loss or would cause a public health hazard. The granting of such a special permit does not exempt the applicant from any other District or fire control regulation. The applicant shall submit to the Control Officer in writing on the form provided, his reasons why denial of the permit would cause imminent and substantial economic loss or a public health hazard.

(51.13) Section 3-16 Restricted Burning Days.

If, for any reason it becomes likely that agricultural waste from more than 10% of the total acreage within the District of any major agricultural crop or from more than 250 acres within the District used for wildlife or game habitat, forest land and range land will be burned on any one day, the Control Officer shall notify the local agencies designated in Section 3-3 that a condition of restricted burning exists. On days of restricted burning, the said local agencies shall restrict the acreage to be burned under permit to that acreage allocated to the agency by the Control Officer. The Control Officer shall prorate the amounts to be burned to each agency based on the estimated number of acres in the geographic area covered by the agency.

(51.13) Section 3-17 Fire Prevention.

Nothing in these rules are intended to permit open burning of agricultural wastes on days when such open burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

CHAPTER 4

(3.0) PERMIT SYSTEM:

(2.0) Section 4-1 General Requirements.

a. No person shall cause or permit the construction or modification of any new source of air contaiminants without first obtaining an authority to construct or modify from the Air Pollution Control Officer as to the location and design of such new source to comply with applicable rules and regulations and ambient air quality standards of the District.

b. The Air Pollution Control Officer shall not approve such construction or modification unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the new source can be expected to comply with all applicable state laws and District rules and regulations.

(3.0) Section 4-2 Permits Required.

a. Authority to Construct.

Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain written authorization for such construction from the Air Pollution Control Officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.

b. Permit to Operate.

Before any article, machine, equipment or other contrivance described in subsection (a) above may be operated or used, or leased or rented for operation or use, a written permit shall be obtained from the Air Pollution Control Officer.

No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in subsection (a) above, constructed or installed without authorization as required by subsection (a) above, until the information required pursuant to these Rules and Regulations presented to the Air Pollution Control and such article, machine, equipment or contrivance is altered if necessary, and made to conform to the standards set forth elsewhere in these Rules and Regulations.

(3.0) Section 4-3 Permit Fee.

Each applicant for a permit required by this Chapter shall, upon filing his application and paying a minimum filing fee of ten dollars ($10.00), pay and additional fee as specified in the following fee schedule; provided however, that no fees shall be required for the filing of an application for a permit by a public agency or a public officer acting in the scope of his official capacity. These fees have been determined by the Air Pollution Control Board to not exceed the estimated cost of issuing the specified permits and inspection pertaining to such issuance. Neither the filing fee nor the schedule fees shall be returnable.

Fee Schedule

Type of Permit	Fee
Permit to construct, alter or operate fuel burning equipment (based upon designed fuel consumption of the equipment in British Thermal Units (BTUs) per hour, using gross heating values of the fuel).	
Up to and including 10,000,000 BTUs per hour.	$ 5.00
Over 10,000,000 BTUs per hour	50.00
Permit to construct, alter or operate incinerator (based upon maximum horizontal inside cross-section area, in square feet, of the primary combustion chamber).	
Up to and including 100 square feet.	5.00
Over 100 square feet.	50.00

Permit to construct, alter or operate other equipment not specified above which may cause the emission of air contaminants.	$10.00
Duplicate permits (to replace lost or destroyed permits).	2.00

(3.0) Section 4-4 Exemptions From Permit Requirements.

No authorization to construct or permit to operate, shall be required for:

a. Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

b. Vehicles used to transport passengers or freight.

c. Equipment utilized exclusively in connection with any struction which is designed for and used exclusively as a dwelling for not more than two (2) families, including incinerators used exclusively in connection with such a structure.

d. The following equipment:

1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

2. Refrigeration units, except those used as, or in conjunction with, air pollution control equipment.

3. Piston-type internal combustion engines.

4. Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

5. Equipment used exclusively for steam cleaning.

6. Presses used exclusively for extruding metals, minerals, plastics or wood.

e. Space heaters.

f. Equipment used in eating establishments for the purpose of preparing food for human consumption.

g. Steam heated by natural gas or LPG, or both.

h. Self-propelled mobile construction equipment other than pavement burners.

i. Other sources of minor significance specified by the Air Pollution Control Officer.

j. Agricultural implements used in agricultural operations.

(3.0) Section 4-5 Standards for Granting Applications for Permits.

a. The Air Pollution Control Officer shall deny authorization to construct, or permit to operate except as provided in the "Exemptions" above, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of all applicable state and local regulations.

b. No authority to construct or modify shall be granted unless the applicant shows to the satisfaction of the Air Pollution Control Officer that the new source, as designed or modified, does not endanger maintenance or attainment of any applicable ambient air quality standard.

c. Before authorization to construct or permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and test purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authorization to construct or permit to operate.

In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform, and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

d. In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Authorization to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authorization to Construct.

e. The fact that an authorization to construct or modify or a permit to operate an article, machine, equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, or other contrivance nor shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards may not be exceeded by such article, machine, equipment or other contrivance. In every instance the person, firm, or corporation to whom such authorization or permit is issued shall be and remain responsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation.

(2.0) Section 4-6 Conditional Approval.

The Air Pollution Control Officer may issue an authorization to construct or a permit to operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the permit standards in which case the conditions shall be specified in writing. Commencing work under such an authorization to construct, or operation under such a permit to operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authorization to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the permit standards under the revised conditions.

(3.0) Section 4-7 Denial of Applications.

In the event of denial of authorization to construct or permit to operate the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or by the affidavit of the person making the service. The Air Pollution Control Officer shall not accept further application unless the applicant has corrected those matters specified by the Air Pollution Control Officer as his reasons for denial of the authorization to construct or permit to operate.

(2.0) Section 4-8 Further Information.

Before acting on an application for authorization to construct or permit to operate, the Air Pollution Control Officer may require the applicant to furnish information or further plans or specifications.

(3.0) Section 4-9 Action on Applications.

The applicant may, at his option, deem the authority to construct or permit to operate denied if the Air Pollution Control Officer fails to act on the application within thirty (30) days after filing, or within thirty (30) days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later, and if during such periods the Air Pollution Control Officer has failed to notify the applicant that his application is still under consideration. Within thirty (30) days after the first day on which the applicant may deem such denial, the applicant may appeal pursuant to the procedures of Section 4-10.

(2.0) Section 4-10 Appeals.

Within ten (10) days after service of notice by the Air Pollution Control Officer of denial or conditional approval of an authorization to construct or a permit to operate, the applicant may petition the Hearing Board, in writing, pursuant to the provisions of Chapter 6 of these Rules and Regulations, for a public hearing. The Hearing Board after notice and a public hearing held within thirty (30) days after filing of the petition, may order the action of the Air Pollution Control Officer sustained or reversed, and such order may be made subject to specified conditions.

(2.0) Section 4-11 Appeal Fee.

Any applicant filing an appeal pursuant to Section 4-10 shall pay a filing fee in the amount of $25.00, which fee shall not be returnable.

CHAPTER 5

(5.0) VARIANCES:

(5.0) Section 5-1 Request for Variance.

Any person may request a variance from the requirements established by these Rules and Regulations or by orders of the Air Pollution Control Board. Application for variances shall be filed with the Hearing Board pursuant to the provisions of Chapter 6 of these Rules and Regulations.

(5.0) Section 5-2 Conditions for Granting Variance.

Conditions for granting, revoking, modifying or extending variances shall be as prescribed in Article 5 of Chapter 2 of Division 20 of the Health and Safety Code (commencing with 24291).

(3.0) Section 5-3 Application Fee.

Any applicant for a variance must pay a filing fee in the amount of $25.00 to the Clerk of the Hearing Board, which fee shall not be returnable.

CHAPTER 6

(16.0) PROCEDURE BEFORE THE HEARING BOARD:

(2.0) Section 6-1 General.

This Chapter shall apply to all hearings before the Hearing Board of the Butte County Air Pollution Control District.

(2.0) Section 6-2 Filing Petitions.

A request for a hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board, Office of the County Clerk, Courthouse, Oroville, California 95965 and the payment to said clerk of the applicable fee specified in Rule 4-11 or 5-3 of these Rules and Regulations, after service of a copy of the petition has been made on the Air Pollution Control Officer, Agricultural Building, Nelson Avenue, P.O. Box 1229, Oroville, California 95965, and one copy on the holder of the permit or variance, if any, involved. The petition shall be served either by personal service or by first class mail, postage prepaid, addressed to the person to be served at his residence or principal place of business.

Service may be proved by written acknowledgement of the person served or by the affidavit of the person making the service.

No fee shall be required for the filing of a petition by a public agency or a public officer acting in the scope of his official capacity.

(2.0) Section 6-3 Contents of Petition.

Every petition shall state:

a. The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

b. Whether the petitioner is an individual, co-partnership, corporation or other entity, and names and addresses of the partners, if a co-partnership, names and addresses of the officers, if a corporation, and the names and addresses of the governing board or other persons in control, if other entity.

c. The type of business or activity involved in the application and the street address at which it is conducted.

d. A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

e. Whether the petitioner desires a hearing:

1. To request a variance, from any rule, regulation or order of the District.

2. To request that an existing variance be revoked or modified.

3. To appeal from the denial, conditional granting or suspension of any permit required by these Rules and Regulations.

4. To determine whether a permit should be revoked, or a suspended permit reinstated.

(5.0) Section 6-4 Petition for Variance.

In addition to the general requirements of Section 6-3, a petition for a variance shall state briefly:

a. The rule, regulation or order of the District complained of.

b. The facts showing why compliance with the rule, regulation or order would be unreasonable.

c. The damage or harm resulting or which would result to petitioner from a compliance with such rule, regulation or order.

d. The period of time for which the variance is sought and the reasons why this period is necessary.

e. The requirements of such rule, regulation or order which petitioner can comply with and the date when this compliance can be accomplished.

f. The advantages and disadvantages to the residents of the District which would result from requiring compliance or from granting a variance.

g. Whether or not operations under the requested variance would constitute a nuisance.

(2.0) Section 6-5 Appeal from Denial, Conditional Granting or Suspension.

In addition to the general requirements of Section 6-3, petitions for review of the denial, conditional granting or suspension of any permit required by these rules and regulations shall set forth a summary of the application for the permit, or a copy thereof, the alleged reasons for the denial, conditional granting or suspension, and the reasons for the appeal.

(3.0) Section 6-6 Petition for Revocation of Permit.

In addition to the general requirements of Section 6-3, petitions for revocation of permits shall allege the rule or regulation under which the permit was granted and the rule or regulation which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

(3.0) Section 6-7 Petition for Reinstatement of Suspended Permit.

In addition to the general requirements of Section 6-3, petitions for reinstatement of a suspended permit shall allege the rules under which the permit was granted, together with a brief statement of the information, analyses, plans or specifications which were required by the Air Pollution Control Officer and why such information was not furnished, together with a brief statement why the petitioner believes such information was pertinent, a brief statement when it will be furnished.

(3.0) (5.0) Section 6-8 Appeal and Petition for Variance after Permit Denial.

The Hearing Board shall not receive or accept a petition for variance for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted or denied by the Air Pollution Control Officer; except that an appeal from a denial of a permit to operate and a petition for a variance may be filed with the Hearing Board in a single petition. A variance granted by the Hearing Board after a denial of a permit to operate by the Air Pollution Control Officer may include a permit to operate for the duration of the variance.

(2.0) Section 6-9 Failure to Comply with Rules.

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these Rules relating to the form, filing and service of petitions unless the chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) Section 6-10 Answers.

The holder of the permit or variance involved, the Air Pollution Control Officer or other interested person may file an answer to a petition filed pursuant to the provisions of this chapter within 10 days after service of the petition on him. All answers shall be served in the same manner as petitions under Section 6-2.

(2.0) Section 6-11 Dismissal of Petition.

The petitioner may request dismissal of his petition at any time prior to submission of the case to the Hearing Board, and the clerk of the Hearing Board shall dismiss the petition in such a case without the necessity of a hearing or meeting of the Hearing Board. The clerk shall notify all interested persons of such dismissal.

(16.0) Section 6-12 Time and Place of Hearing.

All hearings shall be held within 30 days after the petition therefor has been filed at a time and place designated by the Hearing Board.

(16.0) Section 6-13 Notice and Hearing.

Not less than 10 days before the date of the hearing, the Clerk of the Hearing Board shall serve a notice of the time and place of hearing on the petitioner, on the Air Pollution Control Officer, on the holder of the permit or variance involved, if any, on any person entitled to notice under 24275, 24295 or 24299 of the Health and Safety Code, and on any person requesting special notice pursuant to Section 6-14. Service of the notice shall be made in the manner specified in Section 6-2; provided, however, that if the identity or address of any person entitled to notice is unknown, service shall be made as specified in 24300 of the Health and Safety Code.

(2.0) Section 6-14 Interested Members of Public; Special Notice.

The Hearing Board shall allow interested members of the public a reasonable opportunity to testify with regards to petitions for variances and shall consider such testimony in making its determination. Interested members of the public may request special notice of hearings on such petitions by filing a written request therefor with the Clerk of the Hearing Board.

(2.0) Section 6-15 Evidence.

a. Oral evidence shall be taken at the hearing only on oath or affirmation.

b. Each party shall have the following rights at the hearing: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

c. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissable over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions and irrelevent and unduly repetitious evidence shall be excluded.

(13.0) Section 6-16 Record of Proceedings.

A record of all proceedings had before the Hearing Board shall be made. The record shall be prepared in accordance with one of the following methods.

1. A written summary of all the evidence, testimony and proceedings had and presented at the hearing shall be made by a person designated by the Hearing Board for that purpose; or

2. Any interested person, including the District, may at his own cost provide a certified shorthand reporter satisfactory to the Hearing Board who shall prepare a verbatim transcript of all the evidence, testimony and proceedings had and presented at the hearing.

   The Hearing Board may require that the original and one copy of such transcript, each certified to by the reporter as to its accuracy, be filed with the Hearing Board within 30 days from the closing date of the hearing unless required by the Board prior to that time.

(2.0) Section 6-17 Preliminary Matters.

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case may be made by the chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0) Section 6-18 Official Notice.

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) Section 6-19 Continuances.

The Chairman or any two members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action and may grant any other reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0) Section 6-20 Decision.

The decision of the Hearing Board on each petition shall be in writing, served and filed within 30 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, a determination of the issues presented and the order of the Hearing Board. A copy of the decision shall be served in the manner specified in Section 6-2 on the Air Pollution Control Officer, the petitioner and every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) Section 6-21 Effective Date of Decision.

The decision shall become effective 15 days after copies of it have been served as provided in Section 6-20; provided, however, that the Hearing Board may order that the decision shall become effective on an earlier specified day.

CHAPTER 7

(2.0) VIOLATIONS:

Section 7-1

Every person violating any order, rule, or regulation of the Butte County Air Pollution Control District is guilty of a misdemeanor. Every day during any portion of which such a violation occurs is a separate offense.

(51.1) Section 7-2 Violation of Orchard Heater or Agricultural Burning Regulations.

Any violation of the provisions of Chapter 3 of these Rules and Regulations is a misdemeanor punishable by imprisonment in the County Jail not exceeing six (6) months, or by fine not exceeding five hundred dollars ($500), or both, and the cost of putting out the fire.

Every day during any portion of which such violation occurs constitutes a separate offense.

(15.0) Section 7-3 Citations.

The Control Officer or his designated representative is authorized to issue citations to any person violating any order, rule or regulation of the District.

CHAPTER 8

(2.0) MISCELLANEOUS

(2.0) Section 8-1 Severability Clause.

It is hereby declared to be the intention of the Board of Directors of the Butte Country Air Pollution Control District that the sections, paragraphs, sentences, clauses and phrases of these regulations are severable, and if any phrase, clause, sentence, paragraph or section of these regulations shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of these regulations.

Section 8-2

The Air Pollution Control Officer or his deputies are hereby empowered to enter upon private property in order to make investigations for the purpose of enforcing the provisions of these regulations.